

September 18, 2020

VIA CM/ECF

The Honorable John G. Koeltl  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**RE: Joint Request to Modify Summary Judgment Briefing Schedule and Expand Word Limits in *State of New York, et al. v. U.S. Department of Education, et al.*, No. 1:20-cv-4260-JGK (S.D.N.Y.)**

Dear Judge Koeltl:

Plaintiffs the State of New York and the Board of Education of the City School District of the City of New York (“Plaintiffs”) and Defendants United States Department of Education and Elisabeth DeVos, in her official capacity as the Secretary of Education (“Defendants”) (collectively, the “Parties”), jointly and respectfully request that this Court: (1) modify the summary judgment briefing schedule set by the Court on August 24, 2020 [ECF No. 85], as set forth below; and (2) expand the word limit for Plaintiffs’ memorandum of law in support of their motion for summary judgment and Defendants’ memorandum of law in support of their cross-motion for summary judgment to 14,000 words each.

*First*, the Parties request a modification of the briefing schedule by extending the Parties’ respective deadlines by seven days each. The Parties agree this modification is warranted because unanticipated technical issues delayed Defendants’ complete production of the administrative record to Plaintiffs until September 15, 2020. Given the substantial volume of the record, which totals nearly 300,000 pages, the Parties agree a one-week extension of Plaintiffs’ deadline to move for summary judgment and of the remaining briefing deadlines is necessary. Accordingly, the Parties request that the briefing deadlines be modified as follows:

- Plaintiffs’ motion for summary judgment: October 15, 2020
- Defendants’ cross-motion for summary judgment: November 12, 2020
- Plaintiffs’ opposition to Defendants’ cross-motion for summary judgment: December 10, 2020
- Defendants’ reply brief: January 7, 2021

*Second*, the Parties respectfully request that the Court expand the word limit for the Parties’ opening briefs to 14,000 words each and Defendants’ reply to 5,600 words. The Parties, having conferred, agree that this word limit will allow them to adequately brief the issues in the case. At this time, the Parties do not anticipate the need for word limit expansions for Plaintiffs’ opposition brief.

Respectfully submitted,

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